



State of Connecticut  
County of Tolland  
Incorporated 1786

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TOWN OF ELLINGTON  
MINUTES OF SPECIAL TOWN MEETING -- OCTOBER 20, 2009  
NOTICE OF REFERENDUM -- NOVEMBER 3, 2009

A special town meeting of the electors and citizens qualified to vote in town meetings of the Town of Ellington, Connecticut, was held at the Ellington High School auditorium, 37 Main Street in Ellington, Connecticut, on Tuesday, October 20, 2009 at 7:00 p.m. for the following purposes:

1. To consider a resolution,

(a) to appropriate, upon the recommendation of the Board of Selectmen and the Board of Finance, \$1,725,000 for costs related to: (a) the acquisition by the Town, for anticipated use for open space, active and passive recreation and other municipal purposes, of two parcels of land known as the 5 and 11 Hubbard Lane properties in Ellington and now or formerly owned by Dianna Stanger, consisting of an aggregate approximately 98.87 acres, and the buildings and improvements thereon and appurtenances thereto, and (b) various site improvements to the parcels, as to be determined by the Board of Selectmen. The appropriation may be spent for the acquisition, design and construction costs, surveys, testing, feasibility and planning studies, architect's and engineering fees, materials, equipment, furnishings, legal fees, net temporary interest and other financing costs, and other expenses related to the project and its financing;

(b) to authorize the issue of bonds or notes of the Town in an amount not to exceed \$1,725,000, and to provide that the amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the Town for the project to the extent that such grants are not separately appropriated to pay additional project costs; to authorize the issue of temporary notes of the Town in amount not to exceed \$1,725,000 in anticipation of such bonds or notes and the receipt of such grants; and to authorize the First Selectman and the Finance Officer of the Town to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes and temporary notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes and temporary notes;

(c) to take such action to allow temporary advances of available funds which the Town reasonably expects will be reimbursed from the proceeds of borrowings; and to authorize a majority of the First Selectman and the Finance Officer to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes and

temporary notes authorized by the resolution if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years;

(d) to authorize the First Selectman and the Finance Officer to make representations and enter into written agreements for the benefit of holders of the bonds or notes and temporary notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes and temporary notes;

(e) to authorize the First Selectman to apply for and accept federal and State grants to help finance the appropriation for the project, to enter into grant agreements for the project, and to file such documents as may be required to obtain such grants; and to authorize the Board of Selectmen, the First Selectman, the Finance Officer and other proper officers and officials of the Town to take any other actions necessary to obtain such grants or to implement such grant; and

(f) to authorize the Board of Selectmen, the First Selectman, the Finance Officer and other proper officers and officials of the Town to take all other action which is necessary or desirable to complete the project and to issue bonds or notes and temporary notes and obtain grants to finance the aforesaid appropriation.

2. Pursuant to Section 7-7 of the General Statutes of Connecticut, Revision of 1958, as amended, and Section 606 of the Town Charter, to adjourn said town meeting at its conclusion and to submit the resolution to be presented under item 1 of this Notice to referendum, to be held on Tuesday, November 3, 2009, between the hours of 6:00 a.m. and 8:00 p.m. in conjunction with the election to be held on that date, in the manner provided by the Town Charter and said General Statutes, including the procedures set out in Section 9-369d(b)(2) of said General Statutes. Electors will vote on paper ballots and submit through the voting tabulators at their respective polling places, as follows:

District 1: Ellington High School, 37 Maple Street in Ellington

District 2: Crystal Lake School, 284 Sandy Beach Road in Ellington

Persons qualified to vote in town meetings who are not electors will vote on paper ballots at the following polling place: Ellington High School, 37 Maple Street in Ellington. The voting area for non-electors will be in a separate, designated area from the electors' voting area and the paper ballots will be placed in a box.

The aforesaid resolution will be placed on the paper ballots as follows:

"SHALL THE TOWN OF ELLINGTON APPROPRIATE \$1,725,000 FOR ACQUISITION OF THE 5 AND 11 HUBBARD LANE PROPERTIES IN ELLINGTON FOR USE FOR OPEN SPACE, ACTIVE AND PASSIVE RECREATION AND OTHER MUNICIPAL PURPOSES, AND FOR VARIOUS RELATED SITE IMPROVEMENTS; AND AUTHORIZE THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE THE APPROPRIATION?"

Voters approving the resolution will vote "Yes" and those opposing the resolution will vote "No".

Absentee ballots will be available from the Town Clerk's office. Absentee ballots will be scanned through the voting tabulator. Absentee ballots for both districts will be counted at Ellington High School.

First Selectman Michael P. Stupinski called the meeting to order at 7:02 p.m. and asked for nominations for a moderator.

**MOVED:** Robert Phillips **SECOND** Joe Wehr to nominate Ann Harford as moderator. All in favor. Carried.

The Moderator asked for a motion to waive the reading of the meeting notice as has been made available to all those in attendance.

**MOVED:** Michael Stupinski, **SECOND** Joe Wehr to waive the reading of the meeting notice. All in favor. Carried.

**MOVED** Cliff Aucter, **SECOND** Maurice Blanchette to waive the reading of the two page Resolution. All in favor. Carried.

The Moderator introduced Amy Blaymore Paterson, from the Trust for Public Land. Ms. Paterson gave an 8 minute power point presentation about the Hubbard Lane property, emphasizing the chance for Ellington to acquire this property with its magnificent view and connection to the "blue trail system".

Jim Prichard asked about the current logging process on the property. He questioned whether or not TPL knew about this ahead of time. This has never been mentioned at any meeting of BOS or other meetings. Ms. Paterson said she did not know about this until very recently. It is not a clear-cutting operation, but forest management only, including diseased trees. Mr. Prichard also questioned the existing chicken coops and the possible presence of asbestos.

Jim Lundeberg questioned the additional costs associated with the property: i.e.: insurance, fire protection, maintenance, etc. Mr. Stupinski explained that the same protection that is given now will be given if the Town owns the property.

John Krieski said the Crystal Lake School needs a new roof and also stated that many repairs will be needed to the Hubbard Lane property increasing the overall costs.

Rick Neal would like the town to discuss what it will cost the residents in tax increases. He would like the information published somewhere for everyone to review.

Robert Sandberg would also like a break-down of costs for the project.

David Bedson would like to know what potential increases might come along.

Ann Harford said the information on the purchase is in the August 17, 2009 Board of Selectmen meeting minutes. Mr. Stupinski broke down the three options that were available. The Board decided to propose the \$1,725,000 option to the Town.

Toni Bannock asked how much is currently in the open space fund. Rob Phillips stated that there is approximately \$600,000 in the open space fund. Most has been received from fees in lieu of open space. Ms. Bannock also asked what other actions would be taken according to item "f" in the resolution. Mr. Stupinski said that no other expenses can be approved without Town approval.

John Luginbuhl had some questions on other purchase prices he had heard about for the property. Ms. Paterson said it is currently listed for 1.95 million.

Ed Wysocki thinks we can better spend money elsewhere. The tax rate should be reduced.

Gary Mercier stated that "open space" is currently available around town that is not being utilized at all.

Rob Phillips said the town is trying to balance development and open space land.

Dave Hurley from the Conservation Commission said that this purchase would help with the balance.

Vince Gambacorta said that the town has one project that is a "money pit", called the Pinney House. He does not want to see another one.

Wilhelm Frederich said that the town already has bonds that will become due that we will have to pay off. This will mean tax increases. Mr. Frederich said that in the 1970's, the town asked his boy scout troop to make improvements in Kimball Forest. It soon was vandalized and trashed and he feels the same will happen to Hubbard Lane.

Mark Maciolek said this is a wonderful opportunity for our children and grandchildren to enjoy.

Michele Beaulieu asked if Parks and Recreation is in favor of this project. One resident stated that she heard Parks and Rec. is not in favor of this project.

Joe Wehr answered a previous question about the Pinney House and stated that no BOF member will vote to give any funds to the Pinney House. All funds MUST come from donations. He believes that the Town will save money by not allowing development on the Hubbard Lane property. He explained that this project will cost the taxpayers approximately \$30.31 per household and will go down each year by .75 cents.

Jim Wysocki questioned when we will be getting the grant money. Ann Harford said that the applications will not be approved until after the referendum. Ms. Paterson said that the contract has a closing deadline of December 31, 2009. Grant decisions will not be made until after Nov. 3<sup>rd</sup> as Ms. Harford stated. The grants may or may not be approved. The \$1,725,000 is the worst case scenario.

Linda Cohen lives at the bottom of Hubbard Lane and said that the last time the property was logged there was severe water run-off. Is the appraisal accurate since the logging has begun? The current property owner has the appropriate permits to log.

Weinig Wu would like to know if the property is going to be re-evaluated since the logging has begun. It takes years for the trees to grow again.

Toni Bannon asked how long the property was on the market. Amy Paterson said it has been for sale for 5+ years. Ms. Bannon said the chance for development is probably low. The current taxes paid yearly on this property are \$14,600.

Ellen Bender said she believes this wildlife area is a great opportunity for the town but does not think the market is good right now and does not support the project.

Leo Miller said it would probably be better if the house were not there right now as it is in need of repair or replacement. He also stated that the economy is not good right now, but it will not always be bad. This is a good opportunity to acquire this property now.

Wilhelm Frederich said that he looked at the house and it must be considered right now. The roof needs replacing and the floor joists are rotting. He estimates with his building knowledge that it will cost around \$300,000 to bring up to code.

Rich Long feels this is the wrong property to purchase right now. He suggested maybe a new Senior Center.

Ken LaForge thinks this would be a good purchase now for the future.

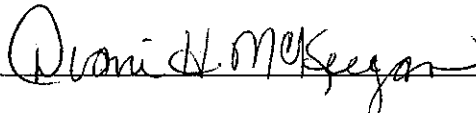
Judy Delaney asked how much open space is available in Ellington currently. We have about 3,000 acres of open space property, some of which is conservation land, according to Rob Phillips.

Nora Willis would like to see this purchase happen for the uniqueness of the property.

At this time, hearing no further discussion or questions, the Moderator called for a motion to adjourn the Town Meeting to a referendum on November 3, 2009 as warned.

**Moved** Jim Prichard, **SECOND** Michael Stupinski to adjourn to referendum. All in favor. Motion carried.

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "Diane H. McKeegan", written over a horizontal line.

Diane H, McKeegan, Town Clerk

Received for record: October 22, 2009 @ 12:30 p.m.

Attachment: Full Resolution

**RESOLUTION OF THE TOWN MEETING OF THE TOWN OF ELLINGTON  
APPROPRIATING \$1,725,000 FOR ACQUISITION OF THE 5 AND 11 HUBBARD LANE  
PROPERTIES IN ELLINGTON FOR USE FOR OPEN SPACE, ACTIVE AND PASSIVE  
RECREATION AND OTHER MUNICIPAL PURPOSES, AND FOR VARIOUS RELATED  
SITE IMPROVEMENTS; AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN  
THE SAME AMOUNT TO FINANCE THE APPROPRIATION**

October 20, 2009

**RESOLVED,**

1. That the Town of Ellington appropriate ONE MILLION SEVEN HUNDRED AND TWENTY-FIVE THOUSAND DOLLARS (\$1,725,000) for costs related to: (a) the acquisition by the Town, for anticipated use for open space, active and passive recreation and other municipal purposes, of two parcels of land known as the 5 and 11 Hubbard Lane properties in Ellington and now or formerly owned by Dianna Stanger, consisting of an aggregate approximately 98.87 acres, and the buildings and improvements thereon and appurtenances thereto, and (b) various site improvements to the parcels, as to be determined by the Board of Selectmen. The appropriation may be spent for the acquisition, design and construction costs, surveys, testing, feasibility and planning studies, architect's and engineering fees, materials, equipment, furnishings, legal fees, net temporary interest and other financing costs, and other expenses related to the project and its financing.

2. That the Town issue bonds or notes in an amount not to exceed ONE MILLION SEVEN HUNDRED AND TWENTY-FIVE THOUSAND DOLLARS (\$1,725,000) to finance the appropriation for the project. The amount of bonds or notes authorized shall be reduced by the amount of grants received by the Town for the project to the extent that such grants are not separately appropriated to pay additional project costs. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed ONE MILLION SEVEN HUNDRED AND TWENTY-FIVE THOUSAND DOLLARS (\$1,725,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of said General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

4. That the First Selectman and the Finance Officer of the Town shall sign any bonds or notes and temporary notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds or notes and temporary notes. The First Selectman and the Finance Officer are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes and temporary notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes and temporary notes; to provide for the keeping of a record of the bonds or notes and temporary notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes and temporary notes; to sell the bonds or notes and temporary notes at

public or private sale; to deliver the bonds or notes and temporary notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes and temporary notes.

5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 and, if applicable, pursuant to Section 54A(d) of the Internal Revenue Code of 1986, as amended, that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant monéys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings, which without limitation may include qualified tax credit bonds, in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The First Selectman and the Finance Officer are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes and temporary notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

6. That the First Selectman and the Finance Officer are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes and temporary notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes and temporary notes.

7. That the First Selectman, on behalf of the Town, is authorized to apply for and accept federal and state grants to finance the aforesaid appropriation, to enter into grant agreements for the project, and to file such documents as may be required to obtain such grants. The Board of Selectmen, the First Selectman, the Finance Officer and other proper officers and officials of the Town are authorized to take any other actions necessary to obtain such grants or to implement such grant agreements. Any grant proceeds may be used to pay project costs or principal and interest on bonds, notes or temporary notes.

8. That the Board of Selectmen, the First Selectman, the Finance Officer and other proper officers and officials of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes and temporary notes and obtain grants to finance the aforesaid appropriation.